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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,439	11/23/2005	Keitaro Harada	4639-002	4099

22429 7590 06/27/2006

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/533,439

Applicant(s)

HARADA, KEITARO

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/29/05; 3/9/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

SPECIFICATION

Abstract

The abstract of the disclosure is objected to because of its length. An Abstract should be limited to no more than 150. Correction is required. See MPEP § 608.01(b).

CLAIMS

Summary

Claims 1 and 8 are the independent claims under consideration in this Office Action.

Claims 2-7 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Yoshikazu et al. (6,435,115).

Yoshikazu et al. teach a sewing machine comprising a bed portion, an upright column portion and a head portion (figure 1), which is usable for embroidering a fabric material held within an embroidery frame 21. The sewing machine is formed of a unilateral open structure (this is seen in the seam line to the right of character number 1 in figure 1) and an integral bed. The sewing machine comprises the bed as having first

Art Unit: 3765

and second rails 16 (figure 2, for example) or 35 and 35' (figure 6, for example) placed parallel to the bed direction to the sides of the needle trajectory and extending towards the neighborhood of the upright column portion. A pair of carriages 18 and 5 or 41 and 41' (figure 6, for that embodiment, for example) ride on the rails and are driven by belts 38 and 38' in an "X" direction. A further rail 46 (figure 8, for example) is provided as mounted on the first and second rails. A carriage 48, 44 and 47 is provided for riding on the rails 46 for movement of the embroidery frame in the "Y" direction with the aid of a second rail support unit 48. See also carriages 6 and 7 in figure 2. One end of the second rail 44, 47 is attached to the first and second rails and the other end 47a is connected to the embroidery hoop connector for holding the fabric while embroidering.

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Hayashi (5,887,536).

Hayashi teaches an embroidery machine system where each sewing machine comprises a bed portion 10, an upright column portion 2 and a head portion 6 (figure 1, for example), which is usable for embroidering a fabric material held within an embroidery frame 17. The embroidery machines of Hayashi are inherently formed of a unilateral open structure with thin walled components and an integral bed 7. The sewing machine comprises the bed as having first and second rails 30 (figure 1, for example) placed parallel to the bed direction to the sides of the needle trajectory and extending towards the neighborhood of the upright column portion. A pair of carriages

37 (figure 8, for example) rides on the rails and is driven by belts 52 in a "Y" direction. A further rail 63 (figure 6, for example) is provided as mounted on the first and second rails. A carriage 64 is provided for riding on the rail for movement of the embroidery frame in the "X" direction. One end of the second rail and carriage is attached to the first and second rails and the other end 65 and 18 is connected to the embroidery hoop connector for holding the fabric while embroidering. A slide support 53 is provided for supporting the "X" direction carriage and rail and a third rail 83 (figure 10) with a carriage is further arranged on the bed for preventing the "X" direction rail from sagging and supporting the rail and slide support unit.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito et al., and Nakanishi illustrate a sewing machine including embroidery frame drives including directional rails. Johnson illustrates a sewing machine including sewing case construction with reinforcing braces.

Drawings

Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.


INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ismael Izaguirre
Primary Examiner
Art Unit 3765